

LAEL D. ANDARA (SBN 215416)
 ROPERS MAJESKI PC
 545 Middlefield Road, Suite 175
 Menlo Park, CA 94025
 Telephone: 650.364.8200
 Facsimile: 650.780.1701
 Email: lael.andara@ropers.com

Attorney for Plaintiff
 SINCO TECHNOLOGIES PTE LTD

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SINCO TECHNOLOGIES PTE LTD,

Plaintiff,

v.

SINCO ELECTRONICS (DONGGUAN) CO.,
 LTD.; XINGKE ELECTRONICS
 (DONGGUAN) CO., LTD.; XINGKE
 ELECTRONICS TECHNOLOGY CO., LTD.;
 SINCOO ELECTRONICS TECHNOLOGY
 CO., LTD.; MUI LIANG TJOA (an
 individual); NG CHER YONG aka CY NG (an
 individual); and LIEW YEW SOON aka
 MARK LIEW (an individual),

Defendants.

Case No. 3:17CV5517

**PLAINTIFF SINCO TECHNOLOGIES
 PTE LTD'S *SHORTENED* TRIAL
 WITNESS LIST
 [TO SERVE AS A REPLACEMENT OF
 ECF DOC NO. 477-3, APPENDIX B.1]**

PRETRIAL HEARING

Date: October 5, 2021

Time: 3:00 p.m.

Place: Courtroom 5 – 17th Floor

Hon. Edward M. Chen

TRIAL DATE

November 1, 2021

**PLAINTIFF SINCO TECHNOLOGIES PTE LTD'S
SHORTENED LIST OF FACT AND EXPERT WITNESSES**

Plaintiff, SINCO TECHNOLOGIES, PTE, LTD. (“SINCO” OR “Plaintiff”), identifies the following witnesses whom it may call live or by deposition at trial. This list is not a commitment that Plaintiff will call any particular witness at trial, or a representation that any of the witnesses listed are available or will appear for trial. If any witness is unavailable, Plaintiff reserves the right to use his or her deposition testimony. Plaintiff also reserves the right to call any witnesses listed or called by Defendant, and to revise this list in light of further rulings by the Court or any

other changed circumstances, including but not limited to being notified that a witness is unavailable to be called live at trial.

Pursuant to the Clerk's Notice of **September 29, 2021**, SINCO provides the following list of all witnesses likely to be called at trial, including those appearing by deposition. The following estimates are for time management and may be adjusted hereafter:

WITNESS	SUBJECT MATTER	WILL/ MAY CALL	EST. TIME
SINCO OPENING STATEMENT			1 hr.
Minh Nguyen	Background and relationship between SinCo and the defendants. U.S. customer relationships and communications relating to the defendants. Pricing, designing and consulting in development and manufacturing of a product. See Declaration submitted in this action. See also State Deposition August 24, 2018 [ECF 307-66] and Declaration of August 7, 2018. [ECF 307-65]	Will Call	2 hrs.
Mui Liang Tjoa aka ML Tjoa	Authentication of document he produced. Acquisition of majority shares in XINGKE by JinLong Machinery & Electronics Co. Ltd. ("KOTL"). Use of SINCO marks in U.S. Negotiations with SinCo's U.S. customers and the source of their identity and related lead information obtained by XINGKE. Background and relationship between defendant entities and Plaintiff. Plaintiff's U.S. customer relationships and communications relating to the defendants. XINGKE's use of SinCo's U.S. trademarks. XINGKE's hiring of Plaintiff employee engineers based in the PRC and related employment agreements. Pricing and project development. Sales numbers and contracts with U.S customers. Name Change of Factory and SinCoo.	Will Call¹	2 hrs.
Gouki Gao	XINGKE employee testify as to traveling to U.S. and met with Plaintiff customers. Testimony related to escalation of payment terms by XINGKE to Plaintiff, and Plaintiff's request for return of tooling. Name Change of Factory and SinCoo.	Will Call May 30, 2019 Video Deposition ⁴	.5 hr.

¹ During the **August 24, 2021**, Pretrial meet & confer Defendants' counsel represented witnesses would be available for trial. Plaintiff has relied on that representation, and requests five day's notice if that may change, to provide deposition designations for each witnesses not appearing.

WITNESS	SUBJECT MATTER	WILL/ MAY CALL	EST. TIME
Miriam Paton	Defendant XingKe Electronics (Dongguan) Co., Ltd.'s unauthorized use of her identity to file trademark applications for the term "XINGKE" in the United State Patent and Trademark Office and related documents associated with a proceeding before the TTAB. <i>See</i> Declaration submitted in this action. [ECF 84]	Will Call	.5 hr.
Lim Jit Ming Bryan	Background and relationship between SinCo and the defendants. U.S. customer relationships and communications relating to the defendants. SinCo's goodwill and intellectual property portfolio development in the U.S. market. SinCo employee engineers based in PRC and related employment agreements. Pricing and project development. Sales numbers, contracts and purchase orders with U.S customers.	Will Call April 5, 2019 Video Deposition ⁴	0.5 hrs.
Guanglei Zhang	Acquisition of majority shares in XINGKE by JinLong Machinery & Electronics Co. Ltd. ("KOTL"). Objections to the sale of the Factory by Bryan Lim. Dissolution of Dongguan SinCo Silicon Rubber Producing Co. Ltd. Invalidity of Defendant XingKe Electronics (Dongguan) Co., Ltd.'s trademarks registration for "SinCo" in China. Contrary evidence of Abandonment in China of the "SINCO" marks. Declaration of March 27, 2018 and December 24, 2019. [ECF 307-3]	Will Call	1 hr.
Quek Seow Eng	Tooling engineer hired by Plaintiff and stationed at contract manufacturer to develop tooling for U.S. customers.	May Call May 28, 2019 Video Deposition ³	.5 hr.
Liew Yew Soon aka Mark Liew	Background and relationship between defendant entities and Plaintiff. Plaintiff's U.S. customer's relationships and communications relating to the defendants. Negotiations with Plaintiff's U.S. customers and the source of their identity and related lead information obtained by XINGKE. XINGKE's use of SinCo's U.S. trademarks. XINGKE's hiring of SinCo employee engineers based in PRC and related employment agreements. Pricing and project development.	May Call ²	1 hr.
Jerry Yang Darui	Engineer hired by Plaintiff and stationed at contract manufacturer to develop tooling for U.S. customers.	May Call May 29, 2019 Video Deposition ⁴	.5 hr.

WITNESS	SUBJECT MATTER	WILL/ MAY CALL	EST. TIME
Ng Cher Yong <i>aka</i> Cy Ng	Authentication of document he produced. Negotiations with Plaintiff's U.S. customers and the source of their identity and related lead information obtained by XINGKE. XINGKE's use of Plaintiff's U.S. trademarks. XINGKE's hiring of SinCo employee engineers based in the PRC and related employment agreements. Pricing and project development.	May Call ²	1 hr.
Eric Pang	XINGKE employee testify as to traveling to U.S. and met with Plaintiff customers. Name Change of Factory and SinCoo.	May Call May 31, 2019 Video Deposition ⁴	.5 hr.
Dr. Jonathan Chee	Background and relationship between SinCo and the defendants. U.S. customer relationships and communications relating to the defendants. SinCo goodwill and Intellectual Property portfolio development in the U.S. market. SinCo employee engineers based in the People's Republic of China ("PRC") and related employment agreements. Pricing and project development. Sales numbers and contracts with U.S. customers. Infringement and unfair competition by Defendants. "Public records of Jinlong Machinery & Electronics, (KOTL) a publicly traded company in China, which fully owns Xingke Electronics (Dongguan)," as a shareholder in said company.² Mr. Chee is also designated as Plaintiff's 30 (b)(6) witness.	Will Call	4.5 hrs.
Dr. Alan Cox	Mr. Cox will discuss his numerous qualifications to be an expert in this case. Generally, Mr. Cox will offer testimony consistent with his written expert report. Expert opinions relating to losses sustained by the Plaintiff based on the Trademark Infringement and unfair competition by Defendants.	Will Call	2.0 hr.
SINCO CLOSING			1.5 hrs.
TOTAL TIME			18 hours

² See Tjoa Amended Response to Interrogatories Nos. 5 and 7.

I. SUMMARY OF THEORIES AND CONCLUSIONS FOR PLAINTIFF'S EXPERT

A. Dr. Alan Cox

Mr. Cox will discuss his numerous qualifications to be an expert in this case. Generally, Mr. Cox will offer testimony consistent with his written expert report. Among other things, Mr. Cox will address the economic consequences of Defendants' trademark infringement and unfair competition and the appropriate methods for calculating the allowed remedies. Mr. Cox will testify about the background facts and support for his opinions on the damages that Plaintiff sustained as a result of the alleged trademark infringement and unfair competition. Mr. Cox will testify that SINCO's damages are \$71.6 million dollars and \$100 million dollars in unjust enrichment to the Defendants. Mr. Cox will testify as to his opinion that SINCO suffered lost sales of \$238.3 million between January 1, 2016 and December 31, 2018 as a direct result of the alleged trademark infringement and unfair competition. Mr. Cox will testify that in 2016 XINGKE was sold for about \$64.0 million and then months later it was sold for \$161.6 million. In that period SinCo experienced a significant loss of United States business that was being manufactured by XINGKE, and that \$100 million increase in value is attributable to XINGKE's increased prospects due to the alleged trademark infringement and unfair competition. Mr. Cox may also offer rebuttal testimony to Defendants' expert damages witness, to the extent allowed based on Plaintiff's *in limine* motion. A copy of Mr. Cox's curriculum vitae is attached as Appendix A. Mr. Cox's Report and Supplemental Report are listed in the Exhibit listed as Exhibits 398 and 399, respectively.

Dated: October 1, 2021

Respectfully submitted,

ROPERS MAJESKI PC

By:



LAEL D. ANDARA
 Attorney for Plaintiff
 SINCO TECHNOLOGIES PTE LTD